



## Bolivia

### Country Reports on Human Rights Practices - [2003](#)

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A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches of government, with an attorney general independent of all three. On October 17, protesters forced President Gonzalo Sanchez de Lozada, who been elected in free and fair elections in August 2002, to resign from office. After a vote in Congress, Vice President Carlos Mesa Gisbert assumed office and restored order. Mesa appointed a non-political cabinet and promised to revise the Constitution through a constituent assembly. The Constitution provides for an independent judiciary; however, the judiciary suffered from corruption, inefficiency, and political manipulation.

The National Police have primary responsibility for internal security, but military forces may be called upon for help in critical situations. The Judicial Technical Police (PTJ) conduct investigations for common crimes (cases that do not involve narcotics); the police provide security for coca eradication work crews in the Chapare region; the Special Counternarcotics Force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities generally maintained effective control over the security forces; however, rebellious elements of the police forces mutinied against government authority during a February demonstration. Some members of the security forces committed serious human rights abuses.

The country has a market-oriented economy. Poverty was extensive, and approximately 65 percent of the population of 8.4 million lived below the poverty line. Many citizens lacked access to such basic services as potable water, sewage, electricity, and primary health care. The country is rich in minerals and hydrocarbons; however, most workers were engaged in traditional agriculture or self-employed in the informal sector, and many citizens were barely linked to the cash economy. During the year, the economy grew by approximately 2.5 percent. The Government remained heavily dependent on foreign assistance to finance development projects.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Security forces killed dozens and injured hundreds of protesters during episodes of violent social unrest. A total of 27 members of the security forces were also killed and dozens of others injured during demonstrations or while enforcing internationally supported coca eradication policies. There were unconfirmed allegations of torture by the police and security forces. There were credible reports of abuses by security forces, including use of excessive force, extortion, and improper arrests. There were reports that military conscripts were mistreated. Prison conditions were harsh, and violence in prisons was a problem. There were credible reports of arbitrary arrest and detention. Prolonged detention remained a serious problem. The Government continued to implement a new Public Ministry Law to adapt the prosecutorial function of the judicial system to the requirements of the Code of Criminal Procedures (CCP). Other problems included pervasive domestic violence and discrimination against women, abuse of children, discrimination against and abuse of indigenous people, and discrimination against Afro-Bolivians. Child labor and brutal working conditions in the mining industry were serious problems. Trafficking in persons was a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings committed by government agents; however, there were serious problems in several areas. Security forces killed dozens of protesters during three major episodes of

violent social unrest (see Section 2.b.).

Between January 12 and 28, at least five civilians were killed when major violence erupted in the Chapare region as illegal coca growers ("cocaleros") blocked the major Cochabamba/Santa Cruz highway (see Section 2.b.).

On January 14, near Sinahota, Chapare, coca grower Willy Hinojosa, 22, was shot to death. The Ninth Division claimed that troops, in response to an attack by protesters on their lead vehicle, first fired live ammunition into the air and then at the ground, as required by the division's crowd control protocol. Officers speculated that a ricochet might have struck Hinojosa. Coca growers offered a different version of events surrounding the death of Willy Hinojosa. They said he had been arrested in Sinahota and was shot while trying to escape. The Public Ministry was investigating the incident at year's end.

On January 15, coca growers complained to human rights groups that Felix Colque died as a result of a December 2002 tear-gassing by the Joint Eradication Task Force (FTC); however, there was no information to show that Colque inhaled tear gas or that he did not die from some unrelated illness.

There were no significant developments in the January 2002 killing of Marcos Ortiz Llanos in Sinahota, Chapare, who was allegedly shot by soldiers from the now-disbanded Chapare Expedition Force (FEC) during a cocalero demonstration.

There were several deaths due to violence in the prisons during the year (see Section 1.c.).

An investigation remained open in the 2001 killing of Casimiro Huanca Coloque, a leader in the Chimore Coca Growers Federation, during a confrontation between the FEC and cocalero (coca grower) protesters (in Chapare, coca growing is always illegal). A military court and the Public Ministry had earlier concluded that there was insufficient evidence to charge the FEC soldier who had fired the shot.

In the case of Richard Cordoba, who died in 2001 while in police custody in Cochabamba, five police officers were tried and convicted in the death.

The Attorney General's office continued to investigate the 2001 killing near Los Amigos, Central Isarzama in the Chapare, of Nilda Escobar Aguilar, who was struck by a tear gas canister during a clash between demonstrators and security forces.

In the 2001 case of the deaths of 7 persons and injuries to 20 others in clashes between landless peasants and small landowners in Pananti near Yacuiba, a trial of 9 campesinos continued at year's end; in 2002, 8 convicted landowners received suspended 3-year sentences in the case, which was also pending with the Inter-American Commission on Human Rights.

Two former policemen, Juan Carlos Balderrama and Antonio Quispe, were convicted and sentenced to prison terms of 10 and 8 years, respectively, for the 1999 killing of Freddy Cano Lopez, who died of burns after his arrest.

The Government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths resulted in a perception of impunity. The Congressional Human Rights Committee, the Ombudsman's office, the Vice Ministry of Justice and its Directorate of Human Rights, and nongovernmental organizations (NGOs) continued to press the Government to expedite action in the cases.

There were numerous reports of killings of government security forces by nongovernmental actors. On January 21, one soldier was killed by gunfire and four others were wounded in an ambush allegedly set by cocaleros at Siete Curvas. The attackers fled the area, and the case remained under investigation. Security forces were also killed and wounded by gunfire in La Paz, Warisata, Chasquipampa, and El Alto. Seven soldiers engaged in coca eradication in the Chapare were killed and 27 wounded by snipers or sophisticated explosive booby traps presumably planted by cocaleros. For example, on October 23, in the Isiboro Secure nature reserve, FTC soldier Julian Vila Flores, age 18, was killed by a command-detonated device presumably by militant cocaleros during coca eradication operations. On December 11, security forces arrested eight National Liberation Army-Bolivia (ELN-B) suspects connected to the booby-trap incidents, who were later released on bail. On December 16, authorities also arrested three ELN-B suspects in Viacha in possession of mortar bombs believed destined for the Chapare. Authorities believed that Colombian ELN suspect Francisco "Pacho" Cortes, who was arrested by police in El Alto on April 11 posing as a human rights worker, and two coca growers were responsible for planning the booby trap campaign.

There was progress in the investigation into the 2000 killings of Lieutenant Andrade, three other security officials, and Mrs. Andrade, who disappeared in the Chapare during violent disturbances and were later found tortured and killed. In July, Nancy Fernandez, the niece of one of the accused cocaleros (Chrisostomo Rodriguez), testified to police that the victims were abducted; then Mrs. Andrade was beaten by various women under orders of cocalero leader Margarita Teran and raped and mutilated by peasants in front of her husband; finally, all five persons were killed.

In 2002, at Sindicato Los Yukis, near Yapacani, approximately 30 armed and hooded men invaded a building of the Federation of Colonizers and killed campesino Luciano Jaldin Fermin. A week later, the bodies of three other men (Ricardo Rojas Caravallo, Martin Condori, and Wilber Nunez Flores) were found nearby in the jungle; autopsies revealed signs of torture and strangulation. The Attorney General's investigation continued at year's end.

There were several reported cases of alleged criminals beaten, lynched, or burned by civilians, sometimes resulting in death. For example, on November 6, in Caramaraca, Cochabamba, 4 alleged car thieves were beaten to death by a crowd of about 60 townspeople before police arrived on the scene.

#### b. Disappearance

There were no reports of politically motivated disappearances.

In April, after a ruling from the Inter-American Court of Human Rights in the case of Juan Carlos Trujillo Oroza, who disappeared during the 1971-78 de facto regime of President Hugo Banzer, the Government awarded the Trujillo family \$400,000.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the Government generally respected these provisions; however, there were a number of allegations of torture, beatings, and abuse by members of the security forces.

On January 13, coca grower Esteban Garcia Mamani was wounded during the army Ninth Division's attempts to disperse protesters when he received a severe injury to his jaw requiring extensive treatment. Forensic evidence contradicted initial reports that Garcia was shot and indicated that a tear gas canister most likely caused the wound. Neither the military nor the Public Ministry has released an official report.

On January 14, two coca growers, Luis Antonio Lizarraga and Ariel Moya Flores, were shot and injured as Ninth Division troops attempted to disperse a protest at Cruce Vueltadero. Humberto Ledezma Garibaldi, a university student, received a cut to the head and bruises.

On January 17, the Human Rights Ombudsman in Villa Tunari formally complained that, on January 13, army Lieutenant Ruddy Torrico Montano and other soldiers from the Ninth Division's CIOS II base in Santa Rosa forced their way into the Rio Alto home of 52-year old Gabina Contreras and beat her, leaving serious bruises that were documented on January 14 by the Ministry of Justice Human Rights Center. On January 14, CIOS II troops reportedly beat and illegally detained Contreras' husband Cresencio Espinosa, who, according to the Human Rights Ombudsman's representative in Villa Tunari, was released after he complained to Ninth Division commanders. The case remained under investigation at year's end.

In June, at the army's First Division in Viacha, several individuals were reportedly beaten or tortured by officers and noncommissioned officers (NCOs) following the theft of an automatic rifle consigned to soldier Rudy Brusly Lucana. Among those abused were Brusly, Rolando Quispe Flores, Angel Antonio Zucuasos Averanga, David Conde Ramos, and an unnamed civilian mechanic. The NGO Permanent Assembly of Human Rights of Bolivia (APHDB) launched an investigation into the incident along with military authorities.

During the September-October violence, security forces forced peasants on the Altiplano to clear the highways of rocks and other debris. The security forces sometimes forced them to remove their pants and shoes in an attempt to humiliate them and dissuade them from blocking roads.

Security forces clashed with each other in February and with demonstrators on several occasions during the year, resulting in the deaths of 90 demonstrators and approximately 800 injuries (see Section 2.b.). At least some of the injuries were attributed to tear gas canisters, rubber bullets, and live ammunition used by the security forces. Investigations into these incidents were pending at year's end.

The Public Ministry continued its investigation into allegations that security officials beat cocalero leaders whom they detained in Sacaba during the disturbances in January 2002 and that they beat other civilians to try to learn the names of those responsible for security officers' deaths.

Army major Luis Fernando Garcia, who in an apparently inebriated state reportedly shot and wounded Jose Luis Alvarez in November 2002, was tried in civilian court and acquitted.

There also were credible allegations that military commissioned officers and NCOs beat and otherwise mistreated military conscripts.

Minister of Defense Freddy Teodovich was removed from office in part for illegally forcing military conscripts to pick castor beans on his ex-wife's farm. Conscripts' daily budget for food is only \$0.20 (2.5 bolivianos), compared with \$0.25 (3.3 bolivianos) allotted to civilian prisoners for meals.

There were no further developments, and none were expected, in the investigation of the September 2002 case of Fructuoso Apaza who severely injured a police officer in a confrontation with the FTC in the Chapare.

Indigenous communities in areas with little or no central government presence imposed punishment that reportedly included the death penalty for members who violated traditional laws or rules, although the Constitution prohibits the death penalty (see Section 5).

Prison conditions were harsh. Prisons were overcrowded and in poor condition. With the exception of the maximum-security prison of Chonchocoro in El Alto, government authorities effectively controlled only the outer security perimeter of each prison. Inside prison walls, prisoners usually were in control. Violence between prisoners and, in some cases, the involvement of prison officials in violence against prisoners were problems. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. Detention centers, intended to hold persons prior to the completion of their trials and sentencing, also were overcrowded. Convicted criminals often were housed in detention centers on a judge's order because of overcrowding in the larger prisons.

According to the Director General of the Penal System in the Ministry of Government, as of October, there were 5,587 (4,925 men and 662 women) prisoners in facilities designed to hold 4,700 prisoners.

A prisoner's wealth may determine cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Cell prices reportedly ranged from \$17 to \$4,340 (132 to 33,850 bolivianos), paid to prior occupants or to prisoners who control cellblocks. For example, in the poorest parts of San Pedro prison in La Paz, inmates occupied tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some sections obliged inmates to sleep sitting up. Although only children up to 6 years old were supposed to live with an incarcerated parent, children as old as age 12 lived with their fathers in San Pedro prison. According to the Director General, in October, there were approximately 800 children living with a parent in prison, as an alternative to being left homeless. The standard prison diet could cause anemia. The Government's daily budget for a prisoner's food was \$0.25 (3.3 bolivianos), and prisoners who could afford to do so supplemented the standard prison diet by buying food. Food and conditions at the Chimore detention facility were better than elsewhere. There was no adequate health care within the prisons, and it was difficult for prisoners to get permission for outside medical treatment. However, affluent prisoners could obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. In La Paz's San Pedro prison, three inmates tested positive for tuberculosis. Drugs and alcohol were readily available for those inmates who could pay.

In December, Mauricio "Chichuriru" Suarez, who recently had been transferred (along with other dangerous prisoners) to Chonchocoro maximum security prison, was found dead in his cell. An autopsy revealed strangulation marks and contusions indicating that the death was not a suicide. The case remained under investigation.

There are separate prisons for women, except for Morros Blancos prison in Tarija, where both men and women were incarcerated. Conditions for female inmates were similar to those for men; however, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

Convicted juvenile prisoners were not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. The Government acknowledged these problems but did not budget sufficient resources to correct them.

The Government permitted prison visits by independent human rights observers and news media representatives,

and such visits took place during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Arrests were carried out openly, but there were credible reports of arbitrary arrest and detention. The CCP requires an arrest warrant, and the police must inform the prosecutor of an arrest within 8 hours. The Constitution requires that a detainee must be presented before a judge within 24 hours. The CCP provides that within this 24-hour period a prosecutor must obtain a judge's determination as to the appropriateness of continued pre-trial detention or release on bail, and the judge must order the detainee's release if the prosecutor fails to show sufficient grounds for arrest; however, credible reports indicated that in some cases detainees were held for more than 24 hours without court approval.

The National Police have primary responsibility for internal security, but military forces may be called upon for help in critical situations, which occurred during the year. Several police officers were fired and charged for off-duty crimes, and a number were dismissed for corruption. However, prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty, in part because they rely on the PTJ to investigate their own officers. In September, the National Police established with international assistance a National Directorate of Professional Responsibility, which investigates allegations against police officers of malfeasance, wrongdoing, and human rights abuses.

Approximately 1,047 FELCN members, PTJ members, lawyers, law students, prosecutors, judges, and NGO representatives received training on the new CCP. During the year, policemen and military officers received crowd control training that emphasized respect for human rights and internationally accepted principles of crowd control. FELCN officers also received training on human rights issues incorporated in general counternarcotics training. Basic FELCN and UMOPAR training includes a 40-hour human rights module.

Denial of justice through prolonged detention remained a serious problem, although the CCP provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing (see Section 1.e.). If the process is not completed in 18 months, the detainee may request his release by a judge; however, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures kept persons incarcerated for months, or even years, before trial. The Constitution provides for judicial determination of the legality of detention. Prisoners were released if a judge ruled detention illegal, but the process could take months. Prisoners may see a lawyer, but approximately 70 percent could not afford legal counsel, and public defenders were overburdened (see Section 1.e.).

The Government continued to streamline the judicial system and took measures to correct other deficiencies. Most prisoners still awaited either trial or sentencing, but the courts began to provide release on bail for some prisoners. Judges have the authority to order preventive detention for suspects under arrest deemed to be a flight risk or for obstruction of justice. If a suspect is not detained, a judge may order significant restrictions on the suspect's travel.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses, or for their protection, on the orders of a social worker. There is no judicial review of such orders (see Section 5).

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, corruption and inefficiency in the judicial system remained major problems. Poor pay and working conditions made judges and prosecutors susceptible to bribes.

The judicial system has three levels of courts: Trial Court, Superior Court, and the Supreme Court or Constitutional Tribunal. The Supreme Court hears appeals in general, while the Constitutional Tribunal only hears appeals on constitutional issues.

The CCP provides for a system of transparent oral trials in criminal trials; requires that no pretrial detention exceed

18 months; and provides for a maximum period of detention of 24 months in cases in which a sentence is being appealed.

The law provides that the prosecutor is in charge of the investigative stage of a case. The prosecutor instructs the police what witness statements and evidence are needed to prosecute the case. Counternarcotics prosecutors lead the investigation of narcotics cases. The prosecutor tries misdemeanor cases (with possible sentences of less than 4 years) before a judge of instruction and felony cases (with possible sentences of more than 4 years) before sentencing courts, each of which features a five-member panel that includes three citizen members and two professional judges.

Superior court review is restricted to a review of the application of the law. Supreme Court review, the third stage, is restricted to cases involving exceptional circumstances. During the superior court and Supreme Court reviews, the courts may confirm, reduce, increase, or annul sentences or provide alternatives not contemplated in lower courts.

Defendants have constitutional rights to a presumption of innocence, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, and to appeal judicial decisions. In practice, almost none of these rights were protected systematically, although the CCP facilitated more efficient investigations, transparent oral trials, and credible verdicts.

The law provides for a defense attorney at public expense if needed; however, one was not always promptly available. There were approximately 64 public defenders and 26 legal assistants nationwide. The public defender program also provided information about human rights to citizens and sought to involve public defenders in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. Mobile public defenders who travelled to the more remote parts of the country had some positive effect; however, public defenders remained overburdened.

The CCP also recognizes the conflict resolution (community justice) traditions of indigenous communities, provided that the resolution does not conflict with the rights and guarantees established under the Constitution.

The Judicial Council oversees the disciplinary aspects of the judicial process and provides an impartial body to review the actions of judges. Its powers include the authority to conduct administrative investigations and to censure for malpractice judges at all levels found culpable of malfeasance; however, the dismissal of a superior court or higher level judge requires a final judgment and sentence of conviction in a criminal case tried before the Supreme Court. The Council may suspend without pay, for up to 13 months, judges against whom a criminal charge has been filed or against whom a disciplinary process has been initiated.

The military justice system generally was susceptible to senior-level influence and avoided rulings that would embarrass the military. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report of the findings. The results of the findings are forwarded to a judicial advisor, usually at the division level, who then recommends a finding of either innocence or guilt. For major infractions, the case is forwarded to a military court. Authorities recognized conflicts over military and civilian jurisdiction in certain cases involving human rights. An inter-ministerial commission, headed by the Vice Ministry of Justice, was charged to prepare legislation to address these conflicts as well as to incorporate various international human rights agreements into domestic law. During the year, the armed forces, in conjunction with the Human Rights Ombudsman's office, began a major human rights educational campaign in the three service branches.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the sanctity of the home and the privacy of citizens; however, while the authorities generally respected these provisions, there were credible allegations of security forces involved in thefts of property. Residents in the coca-growing areas generally were reluctant to file and pursue formal complaints against security forces. They were also reluctant to pursue formal complaints against coca growers because of fear of reprisals by the coca syndicates.

#### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for the right to express ideas and opinions freely by any means of dissemination; however, there were some limitations on freedom of speech. The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice President, or a minister, the sentence may be increased by one-half.

Newspapers were privately owned and frequently adopted anti-government positions. State-owned and private radio and television stations generally operated freely. During the September 10-October 17 "gas war," both the Government and the opposition engaged in disinformation through the media. For example, on October 12, the "People's Television Station" incited the population to rebellion and falsely asserted that the security forces were using ambulances to transport troops and ammunition. On October 16, in Oruro, bombs placed by unknown assailants destroyed antennas belonging to the opposition radio network Erbol. Particularly during times of heightened national tension, journalists were threatened by individuals critical of their reports and were physically attacked and prevented from filming or doing on-the-spot-reporting.

The 40-person La Paz Press Tribunal, an independent body, is authorized to evaluate journalists' practices that are alleged to violate either the Constitution or citizens' rights. The Government prohibited the importation of pornographic books, magazines, and artwork.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom, and the law grants public universities autonomous status.

#### b. Freedom of Peaceful Assembly and Association

The law provides for the right of peaceful assembly, and the authorities generally respected this right in practice; however, security forces killed dozens of persons and injured others during three episodes of violent social unrest and demonstrations.

From January 12 to 21, cocaleros in and around the Chapare violently resisted the security forces' attempts to enforce the law and reduce the illegal coca crop that is mainly used to manufacture cocaine. The cocaleros demanded suspension of forced eradication and often blocked a strategic highway used to transport legal products to market. During the confrontations, 5 civilians and 1 soldier were killed, and 60 civilians and 12 soldiers and police were wounded. Public Ministry and army investigations into one of the civilian deaths and the military killing were pending at year's end.

On February 12 and 13, violence broke out when palace guards defending against a group of high school students stoning the presidential palace were attacked by a group of rebellious police. Two days of rioting and looting ensued in which 31 persons (17 civilians, 9 police, and 5 military) were killed and approximately 200 injured. During the violence, sniper bullets entered the President's office, and two military officers on that floor were killed. In May, the Organization of American States (OAS) delivered a comprehensive report on the events, which concluded that there was insubordination in police units, that the President's life was at risk, that the Armed Forces generally acted appropriately, but that some cases needed more thorough investigation. The report recommended that the Attorney General's office investigate all police and civilian cases of alleged misconduct and that the military should investigate cases of misconduct within its jurisdiction. In August, the Attorney General's office indicted 16 persons (11 police officers, 4 military officers, and 1 civilian) in connection with the events; however, in November, the Public Ministry announced its investigation had stalled for lack of funds.

From September 20 to October 17, the so-called gas war, which culminated in the resignation of the President and his Cabinet, resulted in an estimated 60 to 80 persons (59 confirmed) killed and 400 injured, the great majority by gunshots. The conflict began when a hunger strike by Aymara leader and congressional deputy Felipe "Mallku" Quispe led his followers to begin blocking roads near Lake Titicaca; about 800 tourists, including some foreigners, were trapped in the town of Sorata. On September 20, after more than a week of unfruitful negotiations, the Government undertook an operation to rescue the virtual hostages. Peasants ambushed the security forces at Warisata and Ilabaya: 5 civilians and 1 soldier were killed, and 17 civilians and 7 members of the security forces were injured. The Sorata incident helped unite a loose nationwide coalition of opposition unionists, cocaleros, students, NGOs, and indigenous peasants against the Government. When these groups blockaded El Alto and other access points to La Paz, violent confrontations again ensued, particularly when demonstrators attacked convoys bringing fuel and other supplies to La Paz and government forces returned fire. The Government did not

declare a state of siege during the conflict. The Public Ministry, the Human Rights Ombudsman's Office, the congressional Human Rights Commission, and NGOs opened a series of investigations, which were pending at year's end.

The law provides for freedom of association, and the authorities generally respected this right in practice. The Government requires NGOs to register with the appropriate departmental government, and authorities granted such registration routinely and objectively.

On April 11, police in El Alto arrested Colombian ELN suspect Francisco "Pacho" Cortes, who was posing as a human rights worker along with two coca growers. The group was found in possession of narcotics, seditious material, weapons, and bomb-making equipment.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism predominates, and the Constitution recognizes it as the official religion. The Roman Catholic Church received support from the Government (about 300 priests received small stipends) and exercised a limited degree of political influence.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. The Ministry is not allowed to deny registration based on an organization's articles of faith, but the legal process can be time-consuming and expensive, leading some groups to forgo registration and operate informally without certain tax and customs benefits. Most registered religious groups were identified as Protestant or evangelical.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. However, during the September 10-October 17 gas war, opposition protesters blocked major highways and for weeks created thousands of virtual hostages in La Paz and numerous other locations throughout the country (see Section 2.b.). The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political or other reasons.

The law provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Government accepted 3 of the 10 persons who applied for refugee status during the year. The total number of registered refugees, according to UNHCR, was 532, including Peruvians, Russians, Iraqis, Iranians and Cubans.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right functioned openly. Elections for national offices and municipal governments are held every 5 years; the next national election is scheduled for June 2007.

In August 2002, Gonzalo Sanchez de Lozada of the centrist Nationalist Revolutionary Movement assumed the presidency after he was elected in a joint session of the Congress following the June 2002 national election. Although there were some allegations of vote-counting irregularities, most observers, including a mission from the OAS, concluded that the elections were free and fair. On October 17, opposition protesters, including radical union and other dissidents and indigenous peasants (some of them coerced into protesting), forced President Sanchez de Lozada to resign from office. After a vote in Congress, Vice President Carlos Mesa Gisbert assumed office and restored order. President Mesa appointed a non-political cabinet and undertook to revise the Constitution under a constituent assembly, hold a binding referendum on exportation of natural gas, and revise the hydrocarbons law.



The National Electoral Court (CNE) and its lower departmental courts oversee the electoral process, including voter registration, tabulation, and certification of ballots. The CNE selects departmental electoral court judges, and Congress chooses head departmental electoral judges.

There are no legal impediments to women or indigenous people voting, holding political office, or rising to political leadership. The law requires that every third candidate on party candidate lists be female. In addition, every other candidate on municipal election ballots, beginning with the second candidate, must be a woman--a requirement that increased female representation to approximately 30 percent of municipal council positions. There were 28 women among the 157 deputies and senators, 5 women among the 46 vice ministers, and 1 woman in the 16-member Cabinet. There were two indigenous members of the Cabinet, and the number of indigenous members of the Chamber of Deputies was estimated at 25 percent--a figure difficult to confirm, since designation as indigenous is self-declared.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, NGOs and the Ombudsman complained that occasionally government security forces and ministries refused to cooperate when NGOs or the Ombudsman conducted investigations.

The Human Rights Ombudsman is a position with a 5-year term established in the Constitution. Congress chooses the Ombudsman, who is charged with providing oversight for the defense, promotion, and spread of human rights, specifically to defend citizens against abuses by the Government. The ombudsman's position was vacant for approximately 6 months, due to the resignations of two incumbents during the year. In December, Waldo Albarracin, the former president of the country's largest human rights NGO, the APDHB, was elected Human Rights Ombudsman. Indigenous persons filed approximately 60 percent of all complaints received by the Ombudsman. The congressional Human Rights Committee investigated alleged human rights abuses in the Chapare during the events of February 12-13 and the September-October gas war (see Section 2.b.).

The Chimore Center for Justice and Human Rights (CCJHR) continued to be active in the Chapare region. It reported its findings to the Vice Ministry of Justice in the Ministry of the Presidency, disseminated human rights information, accepted complaints of abuses committed, kept records, and referred complaints to the Public Ministry. The CCJHR also houses a medical forensic expert and an investigative staff to review complaints.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, political or other opinion, origin, or economic or social condition; however, there was significant discrimination against women, indigenous people, and the small Afro-Bolivian minority.

##### Women

Violence against women was a pervasive problem, and many cases went unreported. From January to October, family violence units of the police received 2,308 complaints from women, including complaints of violence and sexual harassment. Complaints against taxi drivers headed the list (52 percent), followed by police (15 percent), bureaucrats and unionists (13 percent), public employees (12 percent), and other professionals (8 percent). The laws to protect women and children from family violence were enforced irregularly.

Rape was also a serious but underreported problem. The Law on Domestic and Family Violence makes the rape of an adult a public crime; however, the victim must press charges, and only 3 percent of complaints received by the Public Ministry were for rape. The Law Against Sexual Violation criminalizes statutory rape, with penalties of 10 to 20 years for the rape of a child under the age of 14, 2 to 6 years for the statutory rape of a person from 14 to 18 years of age, and 5 to 20 years for forcible rape of a child or an adult. The CCP provides that crimes against adults included in previous laws on sex crimes may be made public crimes; however, the victim must still testify. Sexual crimes against minors automatically are considered public crimes in which the state presses charges.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor (see Section 6.f.).

The CCP considers sexual harassment a civil crime. There were no statistics on the incidence of sexual

harassment, but the problem generally was acknowledged to exist widely in the male-oriented society.

Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services, focused on maternal and infant health, to women of reproductive age and to children under the age of 5.

Women generally do not enjoy a social status equal to that of men. Many women do not know their legal rights. Traditional prejudices and social conditions remained obstacles to advancement. In rural areas, for instance, traditional practices restricting land inheritance for women remained a problem. The Labor Code restricts the proportion of female staff in business to 45 percent of the workforce unless large groups of women are required in a particular enterprise; however, this restriction was not enforced actively. The minimum wage law treats men and women equally; however, women generally earned less than men did for equal work. Women sometimes complained that their hiring was made more difficult because employers were reluctant to assume the additional costs (mainly maternal) in a woman's benefits package. The gender gap in hiring appeared widest in the higher education brackets. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and micro-business, whereas in rural areas the vast majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the economy. A 2000 U.N. Development Program study found that the literacy rate for women over the age of 15 was 79 percent compared with 92 percent for men. Although not effectively enforced, the national labor law limits women to a workday 1 hour shorter than that of men and prohibits them from working at night (see Section 6.e.).

#### Children

The Government is aware of the need to provide legal and institutional infrastructure for the protection of children. The Code for Boys, Girls, and Adolescents establishes the rights of children and adolescents, regulates adoptions, and protects against exploitative child labor and violence against children; however, resource constraints impeded full implementation of this law. There are seven Defender of Children and Adolescents offices to protect children's rights and interests; however, the Government did not give the situation of children sufficient political priority to improve conditions quickly and effectively.

Although the law requires all children to complete at least 5 years of primary school, enforcement of this requirement was lax, particularly in rural areas, where more than half of the primary schools offer only three of eight grades. An estimated 26 percent of children graduated from high school. There were no significant gender differences in access to basic education, although girls continued to drop out at a higher rate than boys, particularly in the rural areas.

The National Institute of Statistics calculated in 1998 that approximately 24 percent of children less than 3 years old were chronically undernourished. A UNICEF report estimated that in 2001, 77 of every 1,000 children died before the age of 5. Many children, particularly from rural areas, lacked birth certificates and the identity documents they needed to secure social benefits and protection. The Government developed, but had not funded, a plan to provide these documents free of charge.

Physical and psychological abuse in the home was a serious problem. Corporal punishment and verbal abuse were common in schools. Children from 11 to 16 years of age may be detained indefinitely in children's centers for suspected offenses or for their own protection on the orders of a social worker. According to UNICEF, approximately 12,000 children were in institutions where their basic rights were not respected. There were also many children living on the streets of major cities. For example, 3,400 children, primarily female, were reported abandoned in El Alto during the year.

Child prostitution was a problem, particularly in urban areas and in the Chapare region. There were reports of children trafficked for forced labor to neighboring countries (see Section 6.f.).

Child labor was a serious problem (see Section 6.d.).

Several NGOs had active programs to combat child prostitution. The Government's plan to combat child labor included a campaign against child prostitution (see Section 6.d.).

#### Persons with Disabilities

Societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into

society. The Law on Disabilities requires wheelchair access to all public and private buildings, duty free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons was mandated to oversee the law's enforcement, conduct studies, and to channel and supervise programs and donations for persons with disabilities; however, there was little information on its effectiveness. The electoral law requires accommodation for blind voters; however, in general, there were no special services or infrastructure to accommodate persons with disabilities. A lack of adequate resources and infrastructure impeded full implementation of the law.

### Indigenous People

In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua and Aymara groups. Indigenous protesters were major protagonists in the events leading up to the October 17 resignation of President Sanchez de Lozada. The Agrarian Reform Law provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law. However, the issue of land, specifically the Agrarian Reform Law, was a continuing source of complaints and protests by indigenous people. Indigenous people complained that their territories were not defined legally or protected and that outsiders exploited their resources. In October and November, indigenous peasants illegally occupied several private properties belonging mostly to former government officials.

Indigenous groups availed of the Popular Participation Law to form municipalities that offered them greater opportunities for self-determination. The CCP recognizes the conflict resolution traditions of indigenous communities (see Section 1.e.). The September-October gas war began when radical Aymara leader and congressional deputy Felipe "Mallku" Quispe began a hunger strike to protest the arrest of his indigenous colleague Edwin Huampo, who had been arrested for the 8-day torture and subsequent killing of two suspected cattle-rustlers. Quispe and others maintained that his acts were legal under traditional tribal law and that Huampo was immune to the legal jurisdiction of the "q'aras" (whites and mestizos). Huampo was freed on personal recognizance during the protests.

### National/Racial/Ethnic Minorities

There was societal discrimination against the small Afro-Bolivian minority, who generally remained at the low end of the socioeconomic scale and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 25,000 Afro-Bolivians live in the Yungas region of the Department of La Paz.

### Section 6 Worker Rights

#### a. The Right of Association

The Constitution and the Labor Code provide that workers have the right to form trade unions; however, inefficient labor courts and inadequate government regulation at times limited the exercise of this right by workers. Approximately 25 percent of the workers in the formal economy belonged to unions, approximately 30 percent worked in the formal economy.

Workers may form a union in any private company of 20 or more employees; however, an estimated 70 percent of workers were employed in micro or small enterprises with fewer than 20 employees. Moreover, labor leaders alleged that the private sector exploited a section of the 1985 Economic Liberalization Decree (which eliminated the Government's role in authorizing worker dismissals) to fire workers for organizing or to avoid paying severance benefits, although both actions remain illegal. Public sector workers also have the right to form a union. The Labor Code requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat. The Government was not known to abuse this authority for political or other reasons and generally did not penalize workers for union activities.

Because of the legal costs and time required to register new nongovernmental entities, almost all unions are affiliates of the Bolivian Labor Federation (COB). Several large groups of informal workers, including up to 50,000 "cooperative" miners, thousands of street vendors, and hundreds of thousands of poor indigenous farmers (campesinos) were loosely affiliated with the COB.

Unions were not free from influence by political parties, but many in organized labor increasingly rejected traditional

political parties and supported movements seeking radical change in the economic and political system. Labor unions were major protagonists in the October 17 demonstrations leading to the resignation of the President (see Section 3). Most parties have labor committees that attempted to influence union activity and also had party activists inside the unions.

The law prohibits discrimination against union members and organizers; however, labor laws intended to protect workers' rights to freedom of association and to form and join trade unions are inadequate and failed to deter employers from retaliating against workers, and the laws do not protect workers against interference by employers. Complaints of anti-union discrimination go to the National Labor Court, which can take a year or more to rule due to a significant backlog of cases. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders said that problems were often moot by the time the court ruled.

The law allows unions to join international labor organizations. The COB worked with mainstream international labor organizations.

#### b. The Right to Organize and Bargain Collectively

The Constitution and the Labor Code provide workers with the right to organize and bargain collectively; however, collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, was limited. Most collective bargaining agreements were restricted to wages and excluded other conditions. The Labor Code requires unions to revert to government mediation before beginning a strike and employers to do likewise before initiating a lockout. The practice of direct employee-management negotiations in individual enterprises expanded, as the private sector's economic role expanded.

During the year, major strike activity included strikes by the National Police and a general strike that contributed to the resignation of the President on October 17 (see Section 3).

The Labor Code bans strikes in public services, including banks and public markets; however, workers in the public sector frequently did strike, with strikes by teachers and health care workers the most common. Public sector employees have not been penalized for strike activities in recent years. Solidarity strikes are illegal, but the Government neither prosecuted nor imposed penalties in such cases.

Labor law and practice in the seven special duty-free zones are the same as in the rest of the country.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers continued, as did some alleged individual cases of household workers effectively held captive by their employers (see Sections 5 and 6.d.). The ILO Committee of Experts reported that the abuses and lack of payment of wages constituted forced labor in the agriculture sector. Trafficking of women and children was a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor was a serious problem. The law prohibits all work for payment by children under the age of 14; however, in practice the Ministry of Labor generally did not enforce child labor laws, including those pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. The law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for 12- to 14-year olds under various formal but poorly enforced restrictions, which have been criticized by the ILO and were considered by some to be tantamount to bondage (see Section 6.c.).

Approximately one in every four children between the ages of 7 and 14 was employed in some way usually to help provide for family subsistence, usually in uncontrolled and sometimes unhealthy conditions. UNICEF estimated that some 800,000 children were engaged in some type of work, although the figure could be higher. The extreme poverty of many families dictated the employment of their children to survive.

The Labor Ministry is responsible for enforcing child labor provisions but did not enforce them throughout the country. In 2002, the Government reported that approximately 800,000 children and adolescents between the ages

of 7 and 19 were engaged in some type of work. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses but, when employed, often worked the same hours as adults. Children also worked in mines and other dangerous occupations in the informal sector. Narcotics traffickers used children to transport drugs. Child prostitution was a growing problem (see Section 5).

The traditional practice of "criadito" service persisted in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. Such work is illegal, and there were no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

The new administration endorsed a 2001 plan to combat child labor and, at year's end, was completing plans to eliminate child labor in its worst forms, including in mining, sugar cane harvesting, and prostitution. In particular, the Government worked with NGOs to discourage the use of child labor in the mining sector by participating in an internationally funded program to provide educational alternatives to children who otherwise would work in mines and by re-forming an interagency task force to eliminate child labor.

#### e. Acceptable Conditions of Work

The Government established the minimum wage for the public and private sectors by supreme decree following traditional negotiation with the COB, and the wage increased in January by almost 9 percent to approximately \$57 (430 bolivianos) per month plus bonuses and fringe benefits. The minimum wage did not provide a decent standard of living for a worker and family, and most formal sector workers earned more, although many informal sector workers earned less. Although the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. The minimum wage did not cover members of the informal sector, who constituted the majority of the urban work force, nor did it cover farmers, who accounted for 30 percent of the working population.

The law establishes an 8-hour workday and a maximum workweek of 48 hours, limits women to a workday 1 hour shorter than that of men, and prohibits women from working at night; however, it was not effectively enforced. The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards were enforced poorly. Many workers died due to unsafe conditions. A national tripartite committee of business, labor, and government representatives was responsible for monitoring and improving occupational safety and health standards, and, according to a tripartite agreement signed during the year, some businesses took voluntary steps to improve workplace safety before the relevant enforcement provisions of the agreement came into effect. The Labor Ministry maintained a hotline for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in the mining sector were particularly poor. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, were dangerous and unhealthy. In some mines operated as cooperatives, miners earned less than \$3 (22 bolivianos) per 12-hour day. Miners in such cooperatives worked without respirators in areas where toxic gases and cancer-causing dusts abound; bought their own supplies, including dynamite; had no scheduled rest periods; and often worked underground for up to 24 hours continuously. The law does not specify when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refused to work based on the individual's judgment of excessively dangerous conditions could face dismissal.

#### f. Trafficking in Persons

The law prohibits trafficking in persons for sexual exploitation; however, there were credible reports that persons were trafficked within, from, and through the country.

The Law for the Protection of the Victims of Crimes Against Sexual Freedom specifically criminalizes trafficking in persons for the purpose of prostitution and provides for terms of imprisonment beginning at 4 years and ranging up to 12 years when the victims is less than 14 years of age. There were some arrests under this statute; however, there was no information available on convictions of traffickers. A draft law on the sale, traffic and prostitution of children, which was passed by committees in both houses of Congress, remained pending.

The Ministry of Government, including the National Police and Immigration, as well as the Ministries of Foreign Affairs, Labor, Defense, and the Vice Ministry for Youth, the Child and the Elderly, were responsible for anti-

trafficking efforts.

The country is a source for men, women, and children trafficked for forced labor and sexual exploitation to neighboring countries such as Argentina, Chile, and Brazil, as well as to Spain; however, there were no reliable estimates on the extent of the trafficking. Faced with extreme poverty, many citizens were economic migrants, and some were victimized by traffickers as they moved from rural areas to cities and then abroad. Women and children, especially from indigenous ethnic groups in the altiplano region, appeared to be at greater risk of being victimized. Children were trafficked within the country, often exploited in slave-like labor conditions in prostitution, mines, domestic servitude, and agriculture, particularly harvesting sugar cane. Because of its weak controls along its extensive five borders, the country is also a transit point for illegal migrants, some of whom may be trafficked. Commercial sexual exploitation of children was a problem.

While there were reports that some adolescents were sold into forced labor, it appeared that most victims were initially willing economic migrants who were duped or later coerced into accepting jobs that turned out to be forced labor.

Officials throughout the Government were known to take bribes to facilitate smuggling and the illegal movement of people; however, the Government did not condone or facilitate trafficking and removed approximately 50 immigration officials on suspicion of corruption. It was not known whether any of those dismissed were accused of involvement with trafficking. The Government also took measures, such as instituting a system of checks and balances at official border crossings and airports, to reduce corruption among judicial officials who authorize unaccompanied travel abroad of those under age 18.

The Government did not promote educational measures to address trafficking, but the ombudsman conducted informational campaigns on the rights of children and women. The Government's interagency committee to address the trafficking of adolescents has yet to produce a plan of action. The Government, in conjunction with UNICEF, began to provide free birth and identity documents to thousands of undocumented citizens, to reduce their vulnerability to being trafficked.

There were no programs of assistance to victims, except at the shelter in a sugar-growing area of Santa Cruz. Programs designed by the Government and international donors to empower women economically, keep children in school, and thus address vulnerability to trafficking abuses, remained unfunded.